IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMIN**AL APPELLATE JURISDICTION**

Criminal Application NO.4383 of 2005

in

Criminal Revision Application NO. 219/2005

Santosh Bhiku Thite ... Applicant.

Vs.

Mrs. Ujwala Santosh Thite

& Ors. . .... Respdts.

Shri P.M.Gore for applicant.

CORAM: S.B.MHASE &

S.R.SATHE,JJ.

DATE : 25th July 2005.

PC:

1 Heard. There is delay of 5 days.

We will look into the matter, so as to ascertain whether there is any point to be considered. Learned counsel for applicant submitted that he is mainly challenging the Judgement and Order on the basis of the quantum. Maintenance at the rate of Rs.1000/- has been granted to wife and Rs.1000/- to the minor daughter with effect from 3/11/2004. Looking to the present day prices etc., we find that this amount is bare amount of subsistence. Learned counsel submitted that there is no evidence of income brought on record. The trial court erred in considering that the Revision Petitioner is getting Rs.1500/- per month from binding work. It is admitted position that the Petitioner is a Binder and he gets work of binding from different places on private basis. Therefore, unless the Revision Petitioner himself produces the evidence of his binding work, his monthly income can not be worked out. Let the things be as it is. Even if we take into consideration the minimum wage of an unskilled worker, we find that the amount of maintenance as directed to be payable is just and

proper. No interference is called for. Except this no other point was advanced so as to show merit in the Revision Petition. In the result, we find no substance in the Revision Petition and the delay condonation application is also rejected.

(S.R.SATHE) **(S.B.MHASE)**